

**U.S. District Court**  
**California Northern District (San Francisco)**  
**CIVIL DOCKET FOR CASE #: 3:18-cv-01016-TSH**

Rivera v. United States  
Assigned to: Magistrate Judge Thomas S. Hixson  
Referred to: Magistrate Judge Robert M. Illman (Settlement)  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/15/2018  
Date Terminated: 03/07/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Anthony Rivera**

represented by **Scott Justin Yundt**  
Tri–Valley CAREs  
2582 Old First Street  
Livermore, CA 94551  
925–443–7148  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant****United States Department of Energy**

represented by **Jennifer S Wang**  
United States Attorney's Office  
450 Golden Gate Avenue, 9th Floor  
San Francisco, CA 94102–3495  
415–436–6967  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**National Nuclear Security  
Administration**  
*an agency of the U.S. Department of  
Energy*

represented by **Jennifer S Wang**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/15/2018	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 400, receipt number 0971–12117563.). Filed by Anthony Rivera. (Attachments: # <u>1</u> Civil Cover Sheet)(Yundt, Scott) (Filed on 2/15/2018) (Entered: 02/15/2018)
02/16/2018	2	Case assigned to Magistrate Judge Maria–Elena James.  Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E–Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a> .  Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a> . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5–1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 3/2/2018. (as, COURT STAFF) (Filed on 2/16/2018) (Entered: 02/16/2018)

02/20/2018	<u>3</u>	Proposed Summons. (Yundt, Scott) (Filed on 2/20/2018) (Entered: 02/20/2018)
02/20/2018	<u>4</u>	Proposed Summons. (Yundt, Scott) (Filed on 2/20/2018) (Entered: 02/20/2018)
02/20/2018	<u>5</u>	Proposed Summons. (Yundt, Scott) (Filed on 2/20/2018) (Entered: 02/20/2018)
02/20/2018	<u>6</u>	Proposed Summons. (Yundt, Scott) (Filed on 2/20/2018) (Entered: 02/20/2018)
02/20/2018	<u>7</u>	CLERK'S NOTICE Counsel will submit a completed civil cover sheet.. ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (as, COURT STAFF) (Filed on 2/20/2018) (Entered: 02/20/2018)
02/20/2018	<u>8</u>	Civil Cover Sheet by Anthony Rivera <i>corrected</i> . (Yundt, Scott) (Filed on 2/20/2018) (Entered: 02/20/2018)
02/20/2018	<u>9</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 5/10/2018. Initial Case Management Conference set for 5/17/2018 10:00 AM. (hdjS, COURT STAFF) (Filed on 2/20/2018) (Entered: 02/21/2018)</b>
02/21/2018	<u>10</u>	Summons Issued as to National Nuclear Security Administration, United States Department of Energy. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(hdjS, COURT STAFF) (Filed on 2/21/2018) (Entered: 02/21/2018)
02/28/2018	<u>11</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Anthony Rivera.. (Yundt, Scott) (Filed on 2/28/2018) (Entered: 02/28/2018)
04/02/2018	<u>12</u>	<i>Defendants'</i> ANSWER to Complaint by National Nuclear Security Administration, United States Department of Energy. (Wang, Jennifer) (Filed on 4/2/2018) (Entered: 04/02/2018)
04/03/2018	<u>13</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by National Nuclear Security Administration, United States Department of Energy.. (Wang, Jennifer) (Filed on 4/3/2018) (Entered: 04/03/2018)
05/01/2018	<u>14</u>	ADR Clerk's Notice re: Non-Compliance with Court Order (ewh, COURT STAFF) (Filed on 5/1/2018) (Entered: 05/01/2018)
05/10/2018	<u>15</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Wang, Jennifer) (Filed on 5/10/2018) (Entered: 05/10/2018)
05/10/2018	<u>16</u>	JOINT CASE MANAGEMENT STATEMENT filed by National Nuclear Security Administration, United States Department of Energy. (Wang, Jennifer) (Filed on 5/10/2018) (Entered: 05/10/2018)
05/10/2018	<u>17</u>	ADR Clerk's Notice Setting ADR Phone Conference on Wednesday, May 16, 2018, at 3:30 PM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (af, COURT STAFF) (Filed on 5/10/2018) (Entered: 05/10/2018)
05/14/2018	<u>18</u>	<b>ORDER VACATING INITIAL CASE MANAGEMENT CONFERENCE. STATUS REPORT ORDER. Signed by Judge Maria-Elena James on 5/14/2018. (mejlc3, COURT STAFF) (Filed on 5/14/2018) (Entered: 05/14/2018)</b>
05/16/2018	<u>19</u>	ADR Remark: In light of the Court's order of 5/14/2018, vacating the case management conference, the ADR Phone Conference set for 5/16/2018, is OFF CALENDAR. If appropriate, the Court may refer the matter for an ADR Phone Conference following the joint status report due to be submitted by 7/12/2018, or the parties may request an ADR Phone Conference. (af, COURT STAFF) (Filed on 5/16/2018) ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (Entered: 05/16/2018)
07/12/2018	<u>20</u>	JOINT CASE MANAGEMENT STATEMENT filed by National Nuclear Security Administration, United States Department of Energy. (Wang, Jennifer) (Filed on 7/12/2018) (Entered: 07/12/2018)
07/12/2018	<u>21</u>	<b>STATUS REPORT ORDER: Having reviewed the parties' Joint Case Management Statement, Dkt. No. <u>20</u>, the Court ORDERS the parties to submit a further status report by 8/30/2018. Signed by Judge Maria-Elena James on 7/12/2018.</b>

		<i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (cdnS, COURT STAFF) (Filed on 7/12/2018) (Entered: 07/12/2018)
08/30/2018	<u>22</u>	STATUS REPORT <i>Joint Status Report</i> by National Nuclear Security Administration, United States Department of Energy. (Wang, Jennifer) (Filed on 8/30/2018) (Entered: 08/30/2018)
08/31/2018	<u>23</u>	<b>ORDER SETTING DISPOSITIVE MOTION BRIEFING DEADLINES.</b> Dispositive Motion due by 12/20/2018. Signed by Judge Maria-Elena James on 8/31/2018. (cdnS, COURT STAFF) (Filed on 8/31/2018) (Entered: 08/31/2018)
09/04/2018	<u>24</u>	<b>ORDER REASSIGNING CASE.</b> Case reassigned to Magistrate Judge Thomas S Hixson for all further proceedings. Judge Magistrate Judge Maria-Elena James no longer assigned to the case. (hdjs, COURT STAFF) (Filed on 9/4/2018) (Entered: 09/04/2018)
11/09/2018	<u>25</u>	<b>ORDER FOR PARTIES TO MEET AND CONFER RE: DISPOSITIVE MOTION STATEMENT OF FACTS.</b> Signed by Judge Thomas S. Hixson on 11/9/2018. (cdnS, COURT STAFF) (Filed on 11/9/2018) (Entered: 11/09/2018)
11/14/2018	<u>26</u>	Order Referring Case to ADR for Telephone Conference. Signed by Judge Thomas S. Hixson on 11/14/2018. (cdnS, COURT STAFF) (Filed on 11/14/2018) (Entered: 11/14/2018)
11/14/2018	<u>27</u>	ADR Clerk's Notice Setting ADR Phone Conference on Friday, November 30, 2018, at 11:00 AM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (af, COURT STAFF) (Filed on 11/14/2018) (Entered: 11/14/2018)
11/19/2018	<u>28</u>	ADR Remark: The ADR Phone Conference set for 11/30/2018, HAS BEEN RESCHEDULED TO Monday, 12/3/2018, at 2:00 PM. The call-in numbers remains the same. (af, COURT STAFF) (Filed on 11/19/2018) <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (Entered: 11/19/2018)
12/04/2018	<u>29</u>	STATUS REPORT <i>Joint Status Report</i> by National Nuclear Security Administration, United States Department of Energy. (Wang, Jennifer) (Filed on 12/4/2018) (Entered: 12/04/2018)
12/04/2018	<u>30</u>	<b>ORDER REFERRING CASE TO ANOTHER MAGISTRATE JUDGE FOR A SETTLEMENT CONFERENCE; ORDER VACATING DISPOSITIVE MOTION DEADLINES.</b> Signed by Judge Thomas S. Hixson on 12/4/2018. (cdnS, COURT STAFF) (Filed on 12/4/2018) (Entered: 12/04/2018)
12/05/2018	<u>31</u>	ADR Remark: ADR Phone Conference held on 12/3/2018 by Howard Herman. (cmf, COURT STAFF) (Filed on 12/5/2018) <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (Entered: 12/05/2018)
12/05/2018		CASE REFERRED to Magistrate Judge Robert M. Illman for Settlement (ahm, COURT STAFF) (Filed on 12/5/2018) (Entered: 12/05/2018)
12/05/2018	<u>32</u>	CLERK'S NOTICE Scheduling Conference set for 1/8/2019 01:00 PM in McKinleyville before Magistrate Judge Robert M. Illman. Parties may appear by phone by dialing 888-684-8852/Access Code 1868782. At the telephonic hearing, counsel must be prepared to discuss and set a date for settlement conference. Counsel should communicate with their clients about availability before the telephone conference or have their clients participate in the call to confirm a settlement date. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (glm, COURT STAFF) (Filed on 12/5/2018) (Entered: 12/05/2018)
01/08/2019	<u>33</u>	<b>Minute Entry for proceedings held before Magistrate Judge Robert M. Illman: Scheduling Conference held on 1/8/2019. Settlement Conference set for 2/20/2019 01:00 PM in San Francisco, Courtroom D, 15th Floor. FTR Time: 1:02-1:06.</b> Plaintiff Attorney: Scott Yundt by phone. Defendant Attorney: Jennifer Wang by phone. Anthony Rivera also participated by phone. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (glm, COURT STAFF) (Date Filed: 1/8/2019) (Entered: 01/09/2019)

01/17/2019	<u>34</u>	STIPULATION <i>regarding Dispositive Motion Briefing Schedule</i> filed by National Nuclear Security Administration, United States Department of Energy. (Wang, Jennifer) (Filed on 1/17/2019) (Entered: 01/17/2019)
01/18/2019	<u>35</u>	<b>ORDER re <u>34</u> Stipulation filed by National Nuclear Security Administration, United States Department of Energy. Signed by Magistrate Judge Thomas S. Hixson on 1/18/2019. (rmm2S, COURT STAFF)</b> (Filed on 1/18/2019) (Entered: 01/18/2019)
02/13/2019	36	CLERK'S NOTICE The Settlement Conference set for 2/20/2019 will begin at 10:00 AM rather than the previously scheduled 1:00 PM time. Settlement Conference set for 2/20/2019 10:00 AM in San Francisco, Courtroom D, 15th Floor. ( <i>This is a text-only entry generated by the court. There is no document associated with this entry.</i> ) (glm, COURT STAFF) (Filed on 2/13/2019) (Entered: 02/13/2019)
02/20/2019	37	<p><b>Minute Entry for Settlement Conference proceedings held before Magistrate Judge Robert M. Illman: Settlement Conference held on 2/20/2019. Case Settled in Full.</b></p> <p><b>FTR Time: 12:53–1:02</b>  <b>Total Time: 3 hours 2 minutes</b></p> <p><b>Plaintiff Attorney: Scott Yundt, Esq.</b>  <b>Plaintiff: Anthony Rivera</b></p> <p><b>Defendant Attorney: Jennifer S. Wang, AUSA</b>  <b>Representative Attending: Ida E. Hernandez, Attorney for NNSA, Office of the General Counsel</b></p> <p><b>Proceedings:</b> Settlement Conference held. Case Settled in Full. All parties agreed to be bound by the Settlement as stated on the record. Upon execution of the settlement agreement, a Stipulation of Dismissal shall be filed within the next 2 weeks. If counsel need more time to file the dismissal they shall contact the Court.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 2/20/2019) (Entered: 02/20/2019)</p>
02/20/2019	<u>38</u>	<b>ORDER The Court ORDERS the parties to file a stipulation of dismissal or a joint status report within 30 days of this order. Signed by Judge Thomas S. Hixson on 2/20/2019. (tshlc2S, COURT STAFF)</b> (Filed on 2/20/2019) (Entered: 02/20/2019)
03/06/2019	<u>39</u>	STIPULATION <i>of Settlement and Dismissal with Prejudice</i> filed by National Nuclear Security Administration, United States Department of Energy. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Wang, Jennifer) (Filed on 3/6/2019) (Entered: 03/06/2019)
03/07/2019	<u>40</u>	<b>ORDER DISMISSING CASE WITH PREJUDICE. Signed by Magistrate Judge Thomas S. Hixson on 3/7/2019. (rmm2S, COURT STAFF)</b> (Filed on 3/7/2019) (Entered: 03/07/2019)